

## **REMARKS**

Upon entry of the foregoing Amendment, claims 1-3, 6, 8-10, 12-14, 17, 19-21, 23-25, 28, 30-32, and 35-36 are pending in the application, claims 11, 22, and 33 having been previously canceled. Claim 4-5, 7, 15-16, 18, 26-27, 29, and 34 are currently canceled without prejudice or disclaimer. Claims 1, 3, 6, 8-10, 12, 14, 17, 19-21, 23, 25, 28, 30-32, and 35 are currently amended. No claims are currently added. In view of the foregoing Amendment and following Remarks, allowance of all the pending claims is requested.

Applicants have amended and/or cancelled various claims solely to expedite prosecution of this application. Applicants expressly reserve the right to prosecute the subject matter of the claims prior to the foregoing Amendment and/or cancelled claims, or any other subject matter supported by the Specification, in one or more continuation applications.

### ***Rejection Under 35 U.S.C. 103***

The Examiner has rejected claims 1-6, 8, 12-17, 19, 23-30, and 34-36 under 35 U.S.C. § 103 as allegedly being unpatentable over U.S. Patent Publication 2002/0042277 by Smith ("Smith") in view of U.S. Patent No. 6,377,810 to Geiger *et al.* ("Geiger") and further in view of U.S. Patent No. 5,905,461 to Neher ("Neher"). See Office Action at page 2. The Examiner has rejected claim 7, 18, and 29 as allegedly unpatentable over Smith in view of Geiger and further in view of Neher. See Office Action at page 5. The Examiner has rejected claims 9-10, 20-21, and 31-32 as allegedly unpatentable over Smith in view of Geiger and further in view of U.S. Patent No. 6,716,101 to Meadows *et al.* ("Meadows"). See Office Action at page 6.

Applicant traverses these rejections for at least the reason that the references relied upon, either alone or in combination with one another, fail to disclose, teach or suggest every feature of the claimed invention prior to the foregoing Amendment. Nonetheless, solely to expedite prosecution of this application, Applicant has canceled claim 4-5, 7, 15-16, 18, 26-27, 29, and 34 without prejudice or disclaimer, rendering the rejections of these claims moot. Applicants have also amended the claims solely to

clarify the invention. The references relied upon by the Examiner, either alone or in combination with one another, do not disclose, teach, or suggest at least the pending claims as amended.

In particular, the references relied upon by the Examiner, either alone or in combination with one another, do not disclose, teach or suggest at least the feature of monitoring "criteria comprising a determination of a location of the first mobile device within a specified distance of a second mobile device" as recited in claim 1 as amended, for example. (*Emphasis added*). Claims 12 and 23 have been amended to recite similar features. Claims 1, 12, and 23 were amended to incorporate this feature, which was originally presented in now canceled claims 7, 18, and 29, solely to expedite prosecution of this application. In the Office Action, the Examiner admits that "Smith fails to specifically disclose this feature." See Office Action at page 5. However, the Examiner alleges that "[i]t would have been obvious to one having ordinary skill in the art at the time of the invention to include sending an alert when mobile clients are nearby each other if the job of the employees is to meet together since it is tracking employees." See Office Action, item 3, at pages 5-6. The Examiner has failed to indicate that the references relied upon by the Examiner, either alone or in combination with one another, disclose, teach, or suggest at least this feature. Furthermore, the Examiner's generalized statement is not reasoned rationale meeting the burden of showing obviousness. Instead, the Examiner has engaged in improper hindsight when making this rejection. For at least these reasons, the rejection of at least claims 1, 12, and 23 as amended are improper and must be withdrawn. Claims 2-3, 6, 8-10, 13-14, 17, 19-21, 24-25, 28, and 30-32 depend from or add features to one of claims 1, 12, and 23. Accordingly, for at least the reasons set forth above with regard to claims 1, 12, and 23, the rejections of at least these dependent claims are likewise improper and must be withdrawn.

### **Claims 35-36**

Applicant has previously added new claims 35-36 in Applicant's reply dated February 19, 2008 ("February 2008 Reply"). The rejections of these claims are improper and must be withdrawn for at least the reasons set forth in the February 2008

Reply. In the Office Action, the Examiner asserts that those arguments are not persuasive because “as stated by the Applicant, both references authorize the client at the web service based at least in part on the identified mobile device and the client. Although they may present different ways of authorizing the client, both references disclose the client authorization.” See Office Action, item 6, at page 6. Applicant has not conceded that any of the references relied upon by the Examiner authorize the client at the web service. In fact, among other arguments presented in the February 2008 Reply, Applicant argues the *contrary*, which is that none of the references relied upon by the Examiner authorize the client at the web service as claimed. Thus, even if the references relied upon by the Examiner authorize the client in some manner, this authorization is distinct from the authorization as claimed. For at least these reasons, as well as the reasons set forth in the February 2008 Reply, the references relied upon by the Examiner, either alone or in combination with one another, fail to disclose, teach, or suggest every feature of at least claim 35. Accordingly, the rejection of at least claim 35 is improper and must be withdrawn. Claim 36 depends from and adds features to claim 35. As such, for at least the reasons set forth above with regard to claim 35, claim 36 the rejection of claim 36 is likewise improper and must be withdrawn.

## **CONCLUSION**

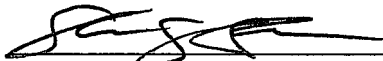
Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Date: **October 14, 2008**

Respectfully submitted,

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